

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-24214 - APPLICANT/OWNER: SCOTT AND VERONICA SELCO**

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**\*\* CONDITIONS \*\***

The Planning Commission (4-0-1/d vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Habitable Accessory Structure (Class I) use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit to convert the existing, non-conforming 561 square-foot Class II Detached Accessory Structure (Garage) to a Class I Detached Accessory Structure (Casita/Home Theater) on 0.52 acres at 2401 Driftwood Drive. The existing single story structure is located in the rear yard approximately 20 feet from the existing primary structure, three feet from the rear property line, and approximately 21 inches from the side property line. The existing detached garage has been determined to be an existing, non-conforming structure as the garage was built at the same time as the house. Although no records of the original building permit for the single-family residence or detached garage could be found, staff was able to verify the establishment of the garage concurred with the construction of the home via the Clark County Assessor's records from 1970.

As the overall impact of the proposed conversion of the existing detached garage to a Habitable Accessory Structure (Class I) is minimal, has the support of the Home Owners' Association, and the use does not require a Variance from standards, staff recommends approval of this request

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/11/07	The Planning Commission voted 4-0-1/d to recommend APPROVAL (PC Agenda Item #51/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
No building permits were found on this property. However, per the Clark County Assessor's records from 1970, staff has determined that the detached garage was constructed as part of the initial single-family home.	
<b><i>Pre-Application Meeting</i></b>	
10/08/07	A pre-application meeting was held with staff concerning the proposed conversion of the existing detached garage located in the rear yard to be converted to a habitable accessory structure. The applicant provided information from a professional survey taken that verified the precise property lines as not aligning exactly with the perimeter wall.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b>Field Check</b>	
8/9/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• The existing single-family dwelling located in a private subdivision with access limited by gate guard.</li> <li>• Existing single-family dwelling appeared to be vacant.</li> <li>• There is an existing six-foot wall (approximate height) between the residential property that borders the residential subdivision to the south and the neighboring residence to the west with the wall of the existing rear-located garage acting as the remainder of the perimeter wall.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.52 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Dwelling	L (Low Density)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density)	R-1 (Single Family Residential)
South	Single Family Dwelling	DR (Desert Rural Density)	R-A (Ranch Acres)
East	Single Family Dwelling	L (Low Density)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density)	R-1 (Single Family Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	NA
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply to the subject proposal:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size (accessory structure)	6,500 SF	22,823 SF	Y
Min. Lot Width	100 feet	130 feet	Y
Min. Setbacks (accessory structure) <ul style="list-style-type: none"> <li>From primary dwelling</li> <li>Side</li> <li>Rear</li> </ul>	6 feet 3 feet 3 feet	20 feet 20 inches 3 feet	Y N* Y*
Max. Size	50 % of total Floor Area of principal dwelling (Primary structure is 4,859 square feet)	Accessory is 571 square feet.	Y
Max. Rear Yard Coverage	50 % of rear yard	29%	Y
Max. Building Height (accessory structure)	Less than height of principal dwelling (Primary structure is 20 feet tall)	Accessory is 11 feet tall.	Y

*\*The applicant had the property professionally surveyed to show the property lines do not line up with the existing walls. In this case, the rear property line extends three feet south of the rear wall and the existing detached garage at one-foot, nine-inches from the property line.*

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Habitable Accessory Structure	2 per SFR + 1 add'l for casita	NA	3		3		Y
TOTAL			3		3		Y

## **ANALYSIS**

A Special Use Permit is required for any residential accessory structure containing living quarters and a kitchen referred to as an “Accessory Structure, Class I” in Title 19.04.010. The existing structure is located to the rear of the single family dwelling and is currently used as a garage. This existing structure does not meet the required six foot building separation and the three-foot property line separation held in the current Title 19.08.040.

Title 19.08.040 restricts height to equal with, or less than that of the main dwelling (whichever is less), and restricts the size to half of the total floor area of the main dwelling. The proposed 561 square-foot, single story structure meets the size and height requirements as listed above. Additionally, the proposed structure meets the minimum 6,500 square foot lot requirement as listed in Title 19.04.010.

- **Land Use/ Zoning**

The 0.52 acre subject site maintains the L (Low Density Residential) General Plan Land Use Designation. This designation seeks to primarily keep residential density at a maximum of 5.49 dwelling units per acre. The proposed conversion of the existing rear-located garage to a casita does not qualify as an increase in established dwelling units as the conditions provided in Title 19.04.010 requires that primary occupant live on site in the event that an individual occupies the habitable accessory structure.

- **Site Plan**

The provided site plan shows the property lines are not in line with the existing perimeter wall. There is a three-foot difference between the existing rear wall and the actual southern property line. This is also the case for the western property line, but to the lesser extent of one-foot, nine-inches.

The existing detached garage is located 20 feet from the primary structure in the southwest corner of the property. The casita is proposed to function primarily as a home theater and pool house but has been outfitted with a kitchen and bathroom. The applicant has stated that the intent is to use the structure primarily for the family, but to also have a casita available to visiting guests.

- **Elevations**

The proposed renovations to the exterior of the existing detached garage match the overall appearance of the major renovations proposed for the overall property. The height of the casita is shown at 11-feet tall; less than the 20-foot total height of the primary structure.

- **Conditional Use**

As listed in Title 19.04.010 and Title 19.08.040, the following conditions apply specifically to the proposed conversion of the existing rear-located garage to a Class I Habitable Accessory Structure.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The existing accessory structure meets the allowable floor area and height permitted by Title 19.08.040. However, as an existing non-conforming structure as outlined in Title 19.16, the proposed casita has been determined to have been built in 1970 according to the Clark County Assessor’s records. By definition an accessory structure is subordinate to the primary dwelling on the lot and should not supersede the main structure in function; the proposal as shown meets this criteria.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The lot size is ample enough to accommodate the proposed Class I Accessory structure. Access to the casita is provided by the existing driveway in place from the original garage use. Additionally, although the structure does not comply with all current setback requirements this structure is exempt per Title 19.16.030.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The existing garage is served by a 38-foot driveway that extends from Driftwood, a private easement classified as a Local Street, to the accessory structure. There is room for an additional onsite parking space as required by Title 19.04.010.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit is in compliance with the standards listed in Title 19.04.010 and 19.08.040 of the Zoning Code, which is intended to protect the health, safety and welfare of the public, especially the area surrounding the subject site. The applicant has also sought and received approval from the Homeowner’s Association.

- 5. The use meets all of the applicable conditions per Title 19.04.**

Although the existing Accessory Structure (Class II) does not meet the minimum setback requirements as listed in Title 19.08.040 the structure has determined to be an existing, non-conforming structure. Therefore, a Variance to allow a one foot, nine-inch setback from the side property line is not warranted.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      3

**NOTICES MAILED**      182 by City Clerk

**APPROVALS**      0

**PROTESTS**      0